

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. STATEMENT REGARDING INTERVIEW UNDER 37 C.F.R. § 1.133(B)

Applicants' Representative thanks Examiner Q. Mi for the helpful and courteous interview of March 31, 2010. During the interview, Applicants' Representative proposed the amendments presented herein. The examiner agreed that the amendments would result in favorable reconsideration of the application, and that withdrawn method claims 28-32 would be rejoined upon indication of allowability of composition claim 1. The substance of the interview is set forth in more detail below.

II. DISPOSITION OF THE CLAIMS

Claims 14-16 and 33 are requested to be cancelled.

Claims 1 and 22 are currently being amended. No new matter has been added. The amendment to claim 1 is supported by the specification. See page 2, paragraph [0056], and page 3, paragraph [0084], and page 4, table above paragraph [0092], citing to the published application US 2007-0141184.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 17-23, 26-32, and 34 are now pending in this application. Claims 23 and 26-32 are withdrawn as non-elected. Thus, claims 1, 17-22, and 34 are under examination.

III. CLAIM OBJECTIONS

The Office objected to claims 14, 22, and 33 on various grounds.

The objections have been obviated by amendment. Claims 14 and 33 have been canceled. Claim 22 has been amended as suggested by the Office (see Office Action, page 3, lines 1-4 from bottom).

Accordingly, the objections have been obviated by amendment and should be withdrawn.

IV. INDEFINITENESS

Claim 1 stands rejected as indefinite for its various recitations of “at least one” and certain percentages by weight.

Applicants respectfully traverse this ground of rejection. To further prosecution, however, Applicants have amended claim 1 to delete the “at least one” limitations, to state “the lipophilic additive amounting to [[5]] approximately 10 to 20% by weight of the composition”, and to redraft the limitations reciting percentages of beeswax and glycerol palmitostearate.

Accordingly, the indefiniteness rejection of claim 1 has been obviated by amendment and should be withdrawn.

Claim 22 stands rejected as indefinite for its recitation of “the” in the limitation “the alga *Ascophyllum nodosum*”.

Applicants respectfully traverse this ground of rejection. To further prosecution, however, Applicants have amended claim 22 to recite “*the alga Ascophyllum nodosum*”.

Accordingly, the indefiniteness rejection of claim 22 has been obviated by amendment and should be withdrawn.

V. REQUEST FOR REJOINDER

Applicants have canceled withdrawn composition claims 15-16. Upon allowance of elected claims 1, 17-22, and 34, Applicants request rejoinder of withdrawn method claims 28-32 and withdrawn compositions claims 23 and 26-27.

Withdrawn method claims 28-32 depend directly or indirectly from claim 1. Rejoinder would be proper, because claims 28-32 would contain all the limitations of an allowed claim. M.P.E.P. § 821.04(b).

Applicants also request rejoinder of withdrawn composition claims 23 and 26-27, which depend directly or indirectly from claim 1. Rejoinder would be proper, because claims 23 and 26-27 would contain all the limitations of an allowed claim. M.P.E.P. § 821.04(b).

Claim 26 recites the species elected by Applicants. Specifically, Applicants elected (i) fatty acid mono-, di, and triglycerides of claim 14, (ii) soya oil of claim 19 and (iii) green tea (see Response to Restriction Requirement). Claim 26 recites glycerol palmitostearate (as species of fatty acid mono-, di, and triglycerides), soya oil, and green tea.

Claim 23 recites an additional “physiologically active component” beyond the recited components of claim 1. Claim 27 further limits claim 1 in reciting a specific formulation.

Rejoinder of withdrawn composition claims 23 and 26-27 would require no further search and/or examination. Accordingly, these claims could be readily rejoined.

For all the reasons presented above, Applicants request rejoinder of withdrawn method claims 28-32 and withdrawn compositions claims 23 and 26-27.

CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 13-APR-2010

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